1	DAVID M. TOEPHER	
2	United States Attorney RENÉE A. BACCHUS (OHBN 0063676)	
3	KIMBERLY L. LUBRANI (OHBN 088031) Assistant United States Attorneys	
4	Acting Under Authority Conferred by 28 U.S.C. § 515	
	United States Attorney's Office	
5	801 W. Superior Avenue, Suite 400 Cleveland, OH 44114	
6	Telephone: (216) 622-3707 - Bacchus Teelphone: (216) 622-3703 - Lubrani Fax: (216) 522-4982	
7	Renee.bacchus@usdoj.gov	
8	Kimberly.Lubrani@usdoj.gov Attorneys for THE UNITED STATES, WILLIAM D.	
9	LOTHROP, AND THEHESA JUSTINO	
10		
11	UNITED STATES DISTRICT COURT	
12	NORTHERN DISTRICT OF CALIFORNIA	
13	SAN FRANCISCO DIVISION	
14		
15	RHONDA FLEMING,	) No. 3:22-cv-05082-RFL
16	Plaintiff,	ADMINISTRATIVE MOTION TO STAY ALL PROCEEDINGS
17	v.	
18	UNITED STATES OF AMERICA, et al.,	) ) The Honorable Rita F. Lin
19	Defendants.	
20		) )
21	Pursuant to Fed. R. Civ. P. 6(b) and Local Rule 7-11, Defendants move the Court to stay all	
22	proceedings and briefing schedule, including Defendants' Reply to Plaintiff's Briefs in Opposition to	
23	Defendants' Motions to Dismiss currently due on October 10, 2025, for the foregoing reason.	
24	1. At the end of the day on September 30, 2025, the appropriations act that had been	
25	funding the Department of Justice expired and appropriations to the Department lapsed. The same is tru	
26	for several other Executive agencies. The Department does not know when funding will be restored by	
27	Congress.	
28	2. Absent an appropriation, Department of Justice attorneys and employees are prohibited	
	DEFENDANTS' ADMINISTRATIVE MOTION No. 3:22-CV-05082-RFL 1	

from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342.

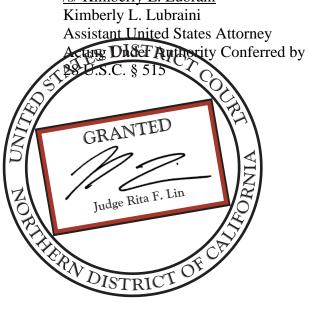
- 3. Undersigned counsel for the Department of Justice therefore requests a stay of all proceedings including the briefing schedule, until Congress has restored appropriations to the Department. See also Declaration of Kimberly L. Lubrani, attached hereto as Exhibit A.
- 4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

DATE: October 1, 2025 Respectfully submitted,

> DAVID M. TOEPHER Acting United States Attorney Northern District of Ohio

/s/ Kimberly L. Lubrani Kimberly L. Lubraini Assistant United States Attorney



17

24

25

26

27

28

DATED: October 3, 2025